

HOUSING DISCRIMINATION IN AMERICA:

LESSONS FROM THE LAST DECADE OF PAIRED-TESTING RESEARCH

Statement of

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STAKEHOLDER PERSPECTIVES: FAIR HOUSING

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Chairman Price, Ranking Member Diaz-Balart, and Members of the Subcommittee, thank you for the opportunity to discuss the important issue of housing discrimination, its forms, and its prevalence, and to highlight lessons from the past decade of paired-testing research conducted by me and my colleagues at the Urban Institute, a nonpartisan research organization based in Washington, DC.

My name is Claudia Aranda, and I am a Senior Research Associate in Urban's Metropolitan Housing and Communities Policy Center. The views I express today are my own and should not be attributed to the Urban Institute, its trustees, or its funders.

## **Summary**

Since the late 1980s, the Urban Institute has conducted numerous housing discrimination studies funded by the US Department of Housing and Urban Development, including the 1989, 2000, and 2012 studies on racial and ethnic discrimination in rental and sales markets nationwide. Over the past decade we have also conducted a national study on people with disabilities and pilot studies on families with children, sexual orientation, gender status, and Housing Choice voucher holders.

As the Director of Field Operations since 2010, I have supervised the completion of over 14,000 paired tests in over 44 metropolitan areas. In a paired test, two people are assigned fictitious identities and qualifications that are comparable in all key respects except the characteristic being tested. When the almost-identical homeseekers receive unequal treatment from landlords and real estate agents, paired testing essentially catches discrimination in the act.

When the federal Fair Housing Act was passed in 1968, African American families were routinely and explicitly denied homes and apartments in white neighborhoods. The findings from the HUD-funded studies of the 1970s and 1980s showed discriminatory practices against minorities that perpetuated high levels of segregation, limiting access to opportunity-rich neighborhoods with high-quality schools, jobs, and other amenities. For more on how high-opportunity, low-poverty neighborhoods can increase upward mobility and outcomes for families as well as specific strategies for growing and sustaining inclusive communities, I refer to the work of numerous Urban Institute colleagues, including Margery Austin Turner (Turner et al. 2012; Turner et al. 2018).

In 2012, the most recent nationwide testing study on race and ethnicity showed that although the most blatant forms of housing discrimination may be less common than in past decades, such as when a landlord refuses to meet with a potential renter, minority homeseekers still face discriminatory practices, even when they are well-qualified as renters or homebuyers. Landlords and real estate agents recommend and show fewer available apartments and homes to African Americans, Latinos, and Asian Americans than equally qualified whites. The discrimination that persists is harder to detect but the barriers racial and ethnic minorities, people with disabilities, transgender people, gay men, voucher holders, and other groups confront increase the time and cost of the housing search process and further limit the choice that in many housing markets is already constrained by the limited stock of available and affordable housing.

Our research findings confirm that for many Americans the promise of the Fair Housing Act has not yet been realized, even more than 50 years after its passage.

## **Racial and Ethnic Discrimination in Housing**

### *HUD's Long History of Research to Monitor Racial and Ethnic Discrimination: Using Paired Testing to Catch Discrimination in Action*

Since the late 1970s, the Department of Housing and Urban Development (HUD) has monitored the forms and incidence of racial and ethnic discrimination in both rental and sales markets approximately once a decade through nationwide paired-testing studies. The paired-testing methodology originated as a powerful tool for civil rights enforcement, detecting and documenting individual instances of discrimination. Since the late 1970s, paired testing has also been used to rigorously measure the prevalence of discrimination across the housing market. When a large number of consistent and comparable tests are conducted for a representative sample of housing units, they can directly measure patterns of adverse treatment (Turner et al. 2013).

In a paired test examining racial and ethnic discrimination, two people—one a minority and the other white—pose as equally qualified homeseekers. Both testers are carefully trained to make the same inquiries, express the same preferences, and offer the same qualifications and needs. Since the only difference between the homeseekers is their race or ethnicity, they should both receive the same information and assistance from a landlord or real estate agent. Any differences in treatment—like telling an African American homeseeker that an apartment is no longer available when a white counterpart is told he could move in right away—provide direct evidence of discrimination.

The first of HUD's national paired-testing studies was launched in 1977 and focused on discrimination against African Americans, finding high levels of discrimination in both rental and sales markets (Wienk et al. 1979). At that time, it was common for black homeseekers to be told that no homes or apartments were available to them or to be denied an opportunity to meet with a rental or sales agent. The 1989 Housing Discrimination Study measured discrimination against Latinos as well as African Americans and again found high levels of discriminatory treatment in both rental and sales markets nationwide. That study found that overall levels of discrimination against African American homeseekers had not changed significantly since 1977, although its forms were becoming more subtle and harder to detect (Turner, Struyk, and Yinger 1991).

Approximately a decade later, the 2000 Housing Discrimination Study found statistically significant levels of discrimination against African American, Latino, Asian Americans, and Native American homeseekers (Turner and Ross 2003a, 2003b; Turner et al. 2002). Designed to measure change in discrimination over time, the study concluded that, between 1989 and 2000, the overall incidence of discrimination against African Americans declined in both rental and sales markets nationwide. The incidence of discrimination against Hispanic homebuyers also declined, but no significant change occurred for Latino renters (Turner et al. 2002). Since the 2000 study was the first to include Asian Americans and Native Americans, no trends over time can be described.

### *Housing Discrimination against Racial and Ethnic Minorities 2012*

Urban conducted the most recent decennial study on race and ethnicity in 28 metropolitan areas to produce national estimates of discrimination against African Americans, Hispanics, and Asians in rental and sales markets. Given the significant change in housing market practices between the 2000 and 2012 studies, the ***Housing Discrimination Against Racial and Ethnic Minorities 2012*** (HDS2012) sampling procedures and testing protocols were adapted accordingly, including the use of online advertisements to identify housing for testing and the use of

telephone and email contact to record differential treatment that may occur before an in-person visit (Turner et al. 2013).

The 2012 findings observed that **African American, Latino, and Asian American renters are all told about fewer housing units than equally qualified white renters.** African Americans and Hispanics are told about one fewer rental unit for every five in-person visits; Asian Americans are told about one fewer unit for every six in-person visits. African American, Latino, and Asian American renters are all shown significantly fewer housing units than equally qualified whites.

Like renters, minority homebuyers are rarely denied appointments that their white counterparts are able to secure. However, African American homebuyers are slightly more likely than equally qualified whites to be denied an in-person appointment. When homebuyers meet in person with housing providers, they are usually told about at least one available unit. However, agents frequently tell one tester about more available homes than the other, with whites significantly more likely to be favored than African Americans and Asian Americans. Consequently, for every two in-person visits, African American and Asian American homebuyers learn about one fewer home than equally qualified whites.

*Examples from our study:*

*One agent told a white tester: "I'm not prejudiced but I wouldn't recommend living in South Albuquerque... too many Hispanics. The further south you go the more you run into."*

*In one sales test, the black tester called and spoke with an agent who insisted that she must be prequalified in order to see homes. The agent refused to meet with the tester until she had talked to a lender. The white tester was not asked about prequalification over the phone and was able to make an appointment to meet with the agent.*

## **Forms of Discrimination Affecting Other Groups Protected under the Fair Housing Act**

Since 2005, Urban has also conducted HUD-sponsored studies that have extended the paired-testing methodology to estimate discrimination against other groups explicitly protected under the Fair Housing Act, including people with disabilities and families with children.<sup>1</sup>

### *Rental Housing Market Discrimination against People Who Are Deaf and People Who Use Wheelchairs*

In 2014, Urban completed a HUD-sponsored national study using paired testing to estimate differential treatment against people who are deaf or hard of hearing and people who use wheelchairs. The study, which was based on pilot testing Urban had performed nearly a decade earlier (Turner et al. 2005), was conducted in 30 metropolitan areas.

The HDS-Disabilities study highlighted that people with disabilities might not face higher costs, on average, than homeseekers without disabilities, but they must contact more housing providers to find housing that meets their needs (Levy et al. 2014).

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<sup>1</sup> The Fair Housing Act was amended in 1988 to prohibit discrimination in the sale, rental, and financing of housing on the basis of a disability. Title VIII of the Civil Rights Act, 42 U.S.C. § 3604(f)(3)(A).

The study provided important details about the experiences of homeseekers with disabilities, such as that **homeseekers who are deaf or hard of hearing are less likely to communicate with a housing provider and less likely to be told about available units. People in wheelchairs are more likely to be denied an appointment than their counterparts and less likely to be told about and inspect apartments that meet their needs.** Some people with disabilities may also confront negative or insensitive comments during their housing search.

*Example from our study:*

*One housing provider told a prospective renter who used a wheelchair, “Oh, you’re disabled...you don’t work.” In another instance, a prospective renter was told over the telephone that an apartment building was accessible. But when she arrived to meet the agent, she could not enter the building in her wheelchair—there were several steps between the sidewalk and the entrance. The agent explained she thought the tester would be able to get out of the wheelchair to climb the steps and enter the building.*

### *Rental Housing Market Discrimination against Families with Children*

The pilot study examining discrimination against families with children in the rental housing market developed preliminary estimates of discrimination and explored what family or housing characteristics might affect landlord behavior (Aron et al. 2016).

Homeseekers with and without children are equally likely to get an appointment with a rental agent and learn about at least one available housing unit. Compared with their childless counterparts, prospective renters with children were shown slightly fewer units and were told about units that were slightly larger— and, as a result, slightly more expensive to rent. Because we found some evidence of families with children being steered to slightly larger and more expensive units, we also identified landlord comments to testers related to apartment size (for example, big, small, bedroom, space, storage, occupancy), including the one below.

*Example from our study:*

*A tester presenting herself as married with a 4-year-old son. The tester reports in her narrative that the agent told her, “You know, you’re pushing the occupancy limits with a one bedroom, but we have one available on the third floor that can be ready October 11 if you can wait until then.”*

Given our finding of steering to larger units, future studies of housing discrimination against families with children should examine the issue of occupancy standards.

Other outcomes we observed in the study did not vary by the presence of a child. Because paired testing is limited to the preoccupancy stage of the rental cycle, the study could not capture differences in treatment for households with children after they move in. However, our review of HUD’s complaint data confirmed that families with children are equally likely to experience discrimination before and after they occupy a unit, such as being restricted from accessing the building amenities (e.g., pool and common areas).

### **Discrimination against Groups Not Protected by the Fair Housing Act**

While previous HUD-funded discrimination studies focused on groups explicitly named in the Fair Housing Act, the pilot and exploratory studies Urban has conducted over the past five years have focused on sexual orientation, gender status, and source of income, which are not currently federally protected classes.

### *Housing Discrimination against Same-Sex Couples and Transgender Individuals*

Although a few researchers and fair housing organizations had conducted testing for housing discrimination against same-sex couples and transgender individuals, no one had completed a systematic, in-person effort until Urban's 2017 HUD-sponsored study (Levy et al. 2017). Urban's research team completed over 1,800 paired tests to estimate the level of rental discrimination against women and men posing as part of same-sex couples. The team also completed and over 200 paired tests for the exploratory component of the study, which developed possible protocols to estimate the level of discrimination against transgender individuals.

Findings include the following: housing providers treated lesbians comparably to heterosexual women seeking rental housing, told gay men about one fewer available rental unit for every 4.2 tests than they told heterosexual men, and told transgender testers about fewer units than they told cisgender homeseekers regardless of whether transgender testers explicitly disclosed their transgender status.

As part of the development of the protocols for study, we convened focus groups to discuss the rental housing search methods of lesbians, gay men, transgender people, and heterosexuals, including their preferred sources for ads and how and whether homeseekers relayed their sexual orientation and gender status to prospective landlords. The project team also developed guidance for practitioners on conducting testing projects focused on lesbians, gay men, and transgender people as well as a tester safety and well-being plan to mitigate the risk to testers experiencing insensitive, inappropriate, or overtly discriminatory treatment, which could result in emotional, psychological or physical harm.

#### *Example from our study:*

*After a transgender tester disclosed her transgender status to a leasing agent and inquired about available housing, the agent paused and then said, "Let me talk to my associate." After a brief conversation with her colleague, the agent said they had no housing options that matched the tester's needs. This test visit occurred one day after the control tester visited the same leasing office and was told about three available units.*

### *Landlord Acceptance of Housing Choice Vouchers*

Urban's most recent paired-testing study focused on discrimination against Housing Choice Voucher holders. The five-site study is the largest, most comprehensive test of voucher discrimination conducted to date, providing rigorous quantitative data on the prevalence of landlord denial and the ways landlords treat voucher holders differently than similar prospective tenants. In designing and conducting nearly 4,000 tests during 16 months, we learned that finding an available unit, reaching landlords, finding a landlord to accept vouchers, and then meeting with them to view the available housing was an extremely difficult process (Cunningham et al. 2017). It takes a lot of work to find housing with a voucher. We ultimately screened over 341,000 ads to find just 8,735 advertisements for units available for rent and affordable with a voucher, or about 39 ads per single voucher-affordable unit. The search required sifting through numerous advertisements, making numerous calls, and facing frequent rejection.

Many landlords refuse to accept vouchers. **Denials of vouchers were more common in low-poverty than high-poverty neighborhoods, and they were lower in areas where local source-of-income protections were in place than in areas without protections.** Even if landlords said they accepted vouchers, they may treat voucher holders differently during apartment showings—standing them up at higher rates than control testers. Our findings should

remind policymakers that **landlords play a critical role in narrowing or widening the choices available to voucher holders** as they search for safe, affordable, quality housing.

*Example from our study:*

*The voucher tester called a landlord back after the landlord did not return her call. The tester was told that the landlord remembered her and that he hadn't called her back because the owner didn't take vouchers. He said that the owner said that she had had a bad experience with Section 8 and was unwilling to go through it again.*

## **HUD-Funded Paired-Testing Studies Conducted So Far May Underestimate Discrimination**

Although paired testing has tremendous power and potential, the methodology also has clear limitations. The level of differential treatment we have observed on the HUD-funded studies we have conducted likely underestimates the level of discrimination for a number of reasons, which include:

1. **Large-scale paired-testing studies capture the discriminatory treatment that can occur during the initial inquiry and information-gathering phase but not discrimination that might occur at the final stage of a rental or sales transaction.** Despite its power, paired testing cannot capture all forms of housing discrimination that might occur during a housing search. It cannot measure differences in treatment that might occur after the initial inquiry—when homeseekers submit applications, seek mortgage financing, or negotiate lease terms. For example, third-party testing protocols cannot include the formal submission of fraudulent information in a signed rental or loan application and discrimination against established tenants or homeowners cannot be captured through paired testing because the housing provider already knows the details of consumers' actual characteristics.
2. **Tested properties were publicly advertised in major metropolitan newspapers and online sources.** The ads sampled for the housing discrimination studies sponsored by HUD were publicly advertised in major metropolitan newspapers and online sources. That may explain why many fair housing organizations report higher levels of discrimination than we do, possibly reflecting treatment by landlords who don't advertise and operate in the further corners of the market.
3. **Testers have been unambiguously well-qualified for the housing they have sought.** The results presented in the past HUD-sponsored testing studies have not reflected the experience of the average or typical minority homeseeker, because testers presented themselves as unambiguously well-qualified for the homes and apartments about which they inquired. In most metropolitan areas, average incomes among African Americans, Hispanic, and Asian households are lower than the average incomes assigned to testers. Evidence from other research on mortgage lending discrimination suggests that when testers pose as more marginally qualified homebuyers, differential treatment occurs more frequently (Hunter and Walker 1996).

### ***Implications for Policy, Enforcement, Education and Future Research***

The past decade of paired-testing research on housing discrimination provides important lessons and considerations for policy, enforcement, education and outreach, and future research:

- 1. Vigorous enforcement of antidiscrimination protections and amendments to fair housing laws:** public enforcement organizations and private fair housing organizations should continue to aggressively pursue complaint-based investigations. Because the forms of discrimination that our studies document are very difficult for victims to detect, enforcement strategies should not rely solely on individual complaints of suspected discrimination. HUD should encourage the local fair housing organizations it funds to conduct more proactive testing in both the rental and sales market. Systemic testing that fair housing organizations conduct does not have to meet the statistical standards of research studies, but it should be thoughtfully designed and targeted and consistently implemented so that it detects discrimination that may be prevalent in particular neighborhoods, rental complexes, or companies. Proactive testing can reveal discriminatory practices that would otherwise go unpunished, and, when housing providers know that testing is ongoing, they are more likely to comply with the law. Ongoing enforcement efforts combined with systemic testing can also point to needed updates to fair housing laws.
- 2. Ongoing education and outreach of housing providers and residents:** education and outreach programs that HUD and HUD-funded organizations conduct should continue to educate landlords and real estate agents on the Fair Housing Act and other relevant laws, such as the Americans with Disabilities Act, which prohibits discrimination against people with disabilities. The comments landlords made about housing accessibility and modification requests during our study on discrimination against people who use wheelchairs suggest that some do not understand their legal obligations. Outreach programs should also help inform residents about their housing rights and ways to report possible violations of the law during the housing search process as well as support for addressing landlord-tenant disputes once they move into a unit.
- 3. Housing-search assistance for homeseekers and extension of search times for voucher holders:** the most recent paired-testing studies have highlighted the challenge of making contact with landlords and finding affordable housing. Voucher holders in particular may benefit from housing search assistance—a combination of pre- and postmove counseling, landlord outreach, and financial support for moves. Extending search times from 60 days to 120 days also would provide more time for voucher holders to identify landlords with units available. This extension is particularly important if voucher holders are searching for housing in opportunity neighborhoods or in tight housing markets where units are harder to find. Our findings on the difficulty identifying landlords who accept vouchers—particularly in low-poverty areas—coupled with the evidence base on the importance of living in high-opportunity neighborhoods suggest these services may be an important step toward improving long-term outcomes for voucher holders.
- 4. Meeting the demand for accessible rental housing:** since the coverage of the Fair Housing Act was expanded to include people with disabilities, disability discrimination complaints have become the majority of those received by federal and local agencies. The National Fair Housing Alliance also reported that about 57 percent of the complaints that member organizations received in 2018 were brought on the basis of disability. The need for accessible housing is expected to rise as the number of older people in the country continues to increase. In 2000, more than 35 million people age 65 or older were living in the United States, making up 12 percent of the total population (Smith et al. 2012). By 2050, however, fully one-fifth (20 percent) of the US population will be age 65 or older (Jacobsen et al. 2011). By 2040, the population age 80 or older is projected to be 28 million, and, by the age of 85, more than two-thirds of

individuals have some type of disability (JCHS 2014). Communities across the country will need to meet the increased demand for accessible and affordable rental housing, particularly in markets where a predominance of housing was built for first occupancy before March 13, 1991, when the Fair Housing Act’s design and construction standards went into effect. Policymakers and industry professionals will need to consider how to meet the demand for accessible units.

5. **Additional research on landlord behavior and resident perspectives:** since paired testing does not explain why housing providers do what they do, additional research is needed to understand their motivations. For example, we need to understand why landlords deny vouchers so frequently and what public housing authorities and HUD can do to encourage participation, such as financial incentives or flexibilities and more customer service-oriented public housing authority operations. We also need to better understand other factors that contribute to segregation, such as evolving perspectives on residential diversity, stereotypes, and fear.
6. **Future paired-testing studies focused on more marginally qualified homeseekers, immigrants, those with limited English language proficiency or particular religious affiliations:** since the HUD-sponsored discrimination studies conducted so far have focused on well-qualified homeseekers, future testing studies could focus on those with more marginal qualifications, lower income, or blemished credit as well as other groups, such as immigrants, those with limited English proficiency or particular religious affiliations. Regional or national estimates of discrimination could be developed for groups who have been the subject of past pilot studies, such as voucher holders and transgender people. Testing on transgender people could also explore whether the way in which testers, transgender and cisgender, present themselves may affect treatment. In particular, it could examine whether gender conformity—the degree to which a person’s appearance and behaviors match societal norms for women and men—affects treatment. Future in-person studies could focus on the treatment of those who are deaf or hard of hearing or those who are blind or visually impaired. Future exploratory studies could employ new methods to reach corners of the housing market that are harder to reach.
7. **Support for regional approaches to development and addressing residential segregation and economic disparity:** in order to address the legacy of housing discrimination and other past exclusionary practices, communities need support—including access to secondary data and resources for meaningfully engaging residents in planning processes—to implement regional planning approaches that address local regulatory policies, increase neighborhood investment and affordable housing, and help develop opportunity-rich neighborhoods.

## Conclusion

Although the findings from the paired testing studies the Urban Institute has conducted on race and ethnicity over the past four decades suggest that the most blatant forms of discrimination—such as refusing to meet with a potential renter—have become less prevalent, the treatment that is harder to detect does persist, such as providing information about fewer units. These discriminatory practices limit the housing options available to minority homeseekers. The discrimination studies we conducted on additional groups, including people who are deaf or hard of hearing, people who use wheelchairs, transgender people, gay men and voucher holders, some of

whom are also explicitly protected by the Fair Housing Act, have shown that they also experience the discrimination observed against racial and ethnic minorities. Our most recent studies also demonstrate the challenge of finding available, affordable housing and reaching landlords, which increases when housing is in an opportunity-rich, low-poverty neighborhood. Even when differential treatment observed by paired-testing is small, housing discrimination can limit access to housing options and neighborhoods.

Paired testing is a powerful tool for documenting the forms and extent of discrimination. But it does not fully explain the levels of residential segregation and economic disparity seen in communities across the country, which were developed through the intersection of private market forces and public policy. In order to address ongoing discrimination as well as the effects of past practices, a multi-pronged strategy is needed, one that includes the vigorous enforcement of anti-discrimination protections as well as proactive testing to uncover otherwise undetected forms and targets of differential treatment, public education and outreach to residents about housing rights and opportunities, and incentives to encourage affordable housing development and neighborhood reinvestment.

As rental and sales markets continue to change and as attitudes toward residential diversity continue to evolve, policymakers and fair housing practitioners will continue to need reliable evidence not only on the shifting forms, incidence, and targets of discrimination but also on other factors that may contribute to neighborhood segregation and disparities in neighborhoods, such as information gaps, local regulatory policies, stereotypes and fear. Taken together these strategies can help grow and sustain inclusive, high- opportunity communities that give residents access to good schools, jobs, transportation and other important services and amenities.

Thank you again for this opportunity to share highlights from the findings of the research my colleagues at the Urban Institute and I have conducted. I look forward to answering any questions that the Subcommittee members may have.

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